Remarks

In accordance with the examiner's requirement for a terminal disclaimer, applicants are filing herewith the appropriate terminal disclaimer. Since the examiner cited In re Peterson et al as *prima facie* in conjunction with the double patenting rejection, it is believed that the filing of the terminal disclaimer obviates his rejection and, thus, the need to discuss In re Peterson et al with respect thereto. Therefore, it is believed that this ground of rejection is overcome.

The examiner has rejected claims 1-6 (the composition claims) under 35 U.S.C. 102(b) as being anticipated by Beyer et al, U.S. Patent 4,019,928, hereinafter Beyer et al. This rejection is not thought to be well taken. The examiner takes the position that the claimed composition range is included in the Beyer et al disclosed range (25%-57%), and that Beyer et al also teach the range of the claimed K to Na ratio, and it would have been obvious to a person skilled in the art to have selected the claimed range. The examiner also states that since the melting range of the composition is inherent, it does not add to the patentability of the claims. Applicants respectfully traverse these statements. First, it should be noted that claiming a range within a range (e.g. 45%-55.2%) raises a question of *prima facie* obviousness and it is up to the applicant(s) to rebut this case, MPEP 2144.05. As stated therein

> ". . . . 'In such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range.' " In re Woodruff, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990).

It is submitted that the specification clearly meets this test. As stated at page 5, lines 11-16, at temperatures within the temperature range claimed for use, there has to be at least 45% cyanate ion to maintain the bath liquid and homogeneous:

> It has been found that the higher the cyanate content, the lower the melting temperature of the salt, such that the cyanate content in the range of greater than 45% allows the bath to be molten and eventually homogeneous at temperatures between 750°F and 950°F.

Thus, this is clearly within the MPEP §2144.05 with respect to the lower range. The reason for the maximum cyanate ion is described on page 6, lines 19-20, wherein it is stated:

> "The theoretical maximum of CNO- is about 55.2 weight percent, at which percentage there is no carbonate."

Therefore, the upper range is also clearly within the MPEP §2144.05 as to the upper limit of cyanate ion. Thus, the range of cyanate of 45%-55.2% is fully supported by showing unexpected results.

With respect to the examiner's statements regarding applicants' characterization of the certain "inherent" characteristics, it is submitted that these characteristics are required in the mixture between Na and K carbonate to achieve to desired homogeneity and fluidity when melted by being close to the eutectic point. Accordingly, in claiming, it is believed that this is the best way to claim the required fluidity, i.e. by claiming a property that is inherent to the composition only in this range of cyanate mixtures. Thus, it is believed that claims 1-6 are clearly allowable.

The examiner has rejected claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Gaucher et al, U.S. Patent 3,912,547, hereinafter Gaucher et al. This rejection also is not thought to be well taken for the same reasons pointed out above with respect to Beyer et al. Gaucher et al teach a much broader range of cyanate (20%-65%), and the applicants claim a narrower range, which is fully supported under MPEP §2144.05, as described above,

The examiner has rejected claims 7-14 (method claims) under 35 U.S.C. 103(a) as being unpatentable over Beyer et al or Gaucher et al in view of Blas et al, U.S. Patent 4,184,899, hereinafter Blas et al, or Caubert, U.S. Patent 3,321,338, hereinafter Caubert. This rejection is not thought to be well taken. The deficiencies of Beyer et al and Gaucher et al were pointed out above and, thus, since the Blas et al and Caubert references do not overcome these deficiencies,

this rejection must also fail. Moreover, the Blas et al and Caubert references do not address the problems overcome using the ranges taught and claimed herein.

The quotation from In re Peterson has been considered, but it is believed that the showing above under MPEP §2144.05 obviates its applicability in this instance.

In view of the above, it is believed that each of the claims now in the application is distinguishable one from the other and over the prior art.

Respectfully submitted,

Date: 12/19/05

William N. Hogg (Reg. No. 20,156)
CUSTOMER NO. 27422

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